

**From:** [Jason Ybarra](#)  
**To:** [Moore, Gary](#)  
**Cc:** [Patricia Scott](#); [Tidmore, Guy](#); [Terry Andrews](#); [Sarah Schreier](#); [will.wyman\\_tceq.texas.gov](#); [Alma Jefferson](#); [Carlos Romo](#)  
**Subject:** RE: CES Notice of Registration and Waste Permit  
**Date:** Wednesday, April 29, 2015 2:21:10 PM  
**Attachments:** [image001.png](#)

---

Gary,

Thanks for the clarification and EPA's position concerning the Used Oil Closure Requirements for Used Oil tanks. I will discuss EPA's determination with Terry when he gets back in the office.

Regards,

Jason

---

**From:** Moore, Gary [mailto:Moore.Gary@epa.gov]  
**Sent:** Tuesday, April 28, 2015 11:31 AM  
**To:** Jason Ybarra  
**Subject:** RE: CES Notice of Registration and Waste Permit

Jason:

Remember, the Trustee did not operate the site. The Trustee's job is to seize the assets and sell them for the benefit of the creditors.

I appreciate you guys looking further into this situation. Under Superfund Cleanups, the EPA does not have to make assumptions on what did or did not happen. If they are used oil tanks, then it is presumed that this is what they were used for. If we don't know then we don't have to assume the worst case scenario.

Thanks

**Gary Moore**

Federal On-Scene Coordinator

U.S. EPA Region 6

214-789-1627 cell

214-665-6609 office

[moore.gary@epa.gov](mailto:moore.gary@epa.gov)

---

**From:** Jason Ybarra [mailto:Jason.Ybarra@tceq.texas.gov]

**Sent:** Tuesday, April 28, 2015 9:32 AM

**To:** Moore, Gary

**Cc:** Patricia Scott; Tidmore, Guy; Terry Andrews; Sarah Schreier; will.wyman\_tceq.texas.gov; Alma Jefferson; Carlos Romo

**Subject:** RE: CES Notice of Registration and Waste Permit

Gary,

Terry is out this week. We have been in discussion with IHW Permits and Terry and I looking into your question further.

As for the Used Oil rules, TCEQ has adopted by reference under 40 CFR 279. For the processor, the requirements are found in 40 CFR 279.54(h)(1)(i-ii).

I will talk with Terry when he gets back in the office on Monday. Does TCEQ\EPA have any supporting documentation or process knowledge that only Used Oil was processed in the Used Oil tanks while CES and the Trustee was operating the site? I think that's the big question are they Used

Oil tanks or IHW tanks based on the practices by the company. Terry and I will be looking for this information in our files as well. As we discussed, we are working to get a clearer picture for appropriate tank closure.

In addition, Lonestar has been asking additional follow-up questions concerning tank closure. I have attached the e-mail.

Regards,

Jason

---

**From:** Moore, Gary [<mailto:Moore.Gary@epa.gov>]

**Sent:** Friday, April 24, 2015 10:10 PM

**To:** Terry Andrews

**Cc:** Jason Ybarra; Patricia Scott; Tidmore, Guy

**Subject:** Re: CES Notice of Registration and Waste Permit

Terry et al,

I am not sure that I agree with this determination. The tanks are clearly identified as used oil. Used oil processing generates oil, water, and sludge. Since the waste was abandoned or discarded and was an oily water or oily sludge mixture with no additional value as used oil it was sampled for characteristics of hazardous waste since it was now destined for disposal rather than recycle. Used oil sludge will almost always test characteristically hazardous. This material is no different than what you would see in used oil except for maybe ST1 which was mixed with an acid in a likely processing activity to drop out contaminants. I am currently talking with my RCRA folks as to what they think. What are the TCEQ rules on closure of Used Oil Tanks?

Gary Moore

Sent from my iPhone

On Apr 24, 2015, at 4:22 PM, Terry Andrews <[Terry.Andrews@tceq.texas.gov](mailto:Terry.Andrews@tceq.texas.gov)> wrote:

Gary,

If the tanks are closed while under the current situation, the tanks will need to be "clean closed" according to the Industrial & Hazardous Waste Permits Section. They sent me the RCRA Tank Closure Requirements (attached). They will require this because of the numerous waste codes and the lack of process knowledge associated with the tanks.

If the tanks are closed while the site is under VCP authority, the tanks will need to be closed according to the Remediation Division Closure Report Checklist (also attached).

Thank you,

Terry

---

**From:** Jason Ybarra

**Sent:** Wednesday, April 22, 2015 4:12 PM

**To:** Moore, Gary

**Cc:** Terry Andrews

**Subject:** RE: CES Notice of Registration and Waste Permit

Gary,

Thanks for the tour and all your hard work. I talked with Terry on the way back. Terry and I will work with IHW Permits and the Used Oil Program to provide a path forward on the Agency's closure review for the tanks in question.

Regards,

Jason T. Ybarra

Manager, Waste Section  
TCEQ - Houston Region Office  
5425 Polk St., Suite H  
Houston, Texas 77023

Phone No.: (713) 767-3615  
Fax No.: (713) 767-3646  
[jason.ybarra@tceq.texas.gov](mailto:jason.ybarra@tceq.texas.gov)



---

**From:** Moore, Gary [<mailto:Moore.Gary@epa.gov>]  
**Sent:** Wednesday, April 22, 2015 2:52 PM  
**To:** Jason Ybarra  
**Cc:** Terry Andrews  
**Subject:** FW: CES Notice of Registration and Waste Permit

Jason:

It was nice meeting with you today. As you could probably tell, I was disappointed as I think the greatest risk of leaving these tanks is to the residents as it is an attractive place for illegal dumping. Based upon your expertise, could you line out the requirements for me based upon the Permit and NOR for the former CES. I only saw three tanks (T106, T107, and T108) listed as HWMUs but I may have missed something. Also, how clean is clean?

Thanks

Gary Moore

Federal On-Scene Coordinator

U.S. EPA Region 6

214-789-1627 cell

214-665-6609 office

[moore.gary@epa.gov](mailto:moore.gary@epa.gov)

---

**From:** Brenda Basile [<mailto:Brenda.Basile@pbwllc.com>]  
**Sent:** Wednesday, April 22, 2015 11:41 AM  
**To:** Moore, Gary  
**Subject:** CES Notice of Registration and Waste Permit

Gary:

Attached is the Notice of Registration (NOR) for the CES Site. I just checked the NOR in the TCEQ Central Registry and this is the same one.

I've also attached the permit provided by TCEQ on their web page.

Let me know if you have any questions.

Thanks

Brenda



Senior Consulting Scientist  
Pastor, Behling & Wheeler, LLC  
11231 Richmond Avenue, Suite D104  
Houston, TX 77082  
Office: 832-916-3691  
Cell: 713-858-7351